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Order Filed on November 7, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

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IN THE UNITED STATES BANKRUPTCY	:
COURT DISTRICT OF NEW JERSEY	:
	: CHAPTER 13 CASE
IN RE:	:
Elena Cassill	:
Jon S. Cassill	: CASE NO. 17-29310 RG
	:
	:
	: JUDGE: RG
	:
	:
DEBTORS :	: HEARING DATE:

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**ORDER GRANTING APPROVAL OF THE MORTGAGE LOAN  
MODIFICATION AS TO KEARNY BANK**

The relief set forth on the following pages, numbered three (3) through \_\_\_\_3\_\_\_\_ is  
hereby **ORDERED**.

**DATED: November 7, 2019**

  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

**THIS CAUSE** coming on to be heard, and being heard, before the undersigned Judge of the United States Bankruptcy Court for District of New Jersey, pursuant to the Motion for an Order Approving Loan Modification as to Kearny Bank filed by the Debtors; and

**IT APPEARING** to the undersigned that this court has jurisdiction over the parties and over the subject matter of this Motion; and

**IT FURTHER APPEARING** to the undersigned that all parties in interest received notice of this Motion and of the time, date and place of this hearing and that no such parties have filed any timely objections or otherwise appeared in opposition to the said Motion and that the time for filing any such objection has expired; and

**IT FURTHER APPEARING** to the undersigned that the relief requested by the debtor in their Motion are consistent with the applicable provisions of Title 11 of the United States Code and that the debtors has established good and sufficient cause to grant said relief; and

**IT FURTHER APPEARING** to the undersigned that the Motion of the debtor's to Approve the Mortgage Loan Modification as to Kearny Bank is granted;

**ORDERED** that the court hereby authorizes secured creditor and debtor to enter into a loan modification; and

**IT IS FURTHER ORDERED** that in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor must withdraw its Proof of Claim or amend the arrearage portion to the amount paid to date or to zero (0) within thirty (30) days of completion of the loan modification; and

**IT IS FURTHER ORDERED** that the Chapter 13 Trustee will suspend disbursements to secured creditor pending completion of the loan modification. All

money that would otherwise be paid to the secured creditor will be held until the claim is withdrawn or amended to reflect the arrearage portion to the amount paid to date or to zero (0); and

**IT IS FURTHER ORDERED** that in the event the modification is not consummated, the secured creditor must notify the Trustee and debtors' attorney of same. Any money that were held by the Trustee pending the completion of the modification will then be paid to secured creditor; and

**IT IS FURTHER ORDERED** that in the event the Proof of Claim is amended to the amount paid to date, to zero or is withdrawn the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

**IT IS FURTHER ORDERED** that communication and/or negotiations between debtors and mortgagees/mortgage servicers about loan modification will not be deemed as violation of the automatic stay, and any such communication or negotiation must not be used by either party against other in any subsequent litigation

**IT IS THEREFORE SO ORDERED.**

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order

United States Bankruptcy Court

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Elena Cassill  
Jon S Cassill  
Debtors

Case No. 17-29310-RG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Nov 07, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 09, 2019.  
db/jdb +Elena Cassill, Jon S Cassill, 78 Stuvesant Avenue, Kearny, NJ 07032-3140

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 09, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Well Fargo Bank, N.A., as Indenture Trustee for MSCC  
HELOC Trust 2007-1 dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Mark A Wenczel on behalf of Attorney Kearny Bank mwenczel@gpmlegal.com  
Michael J. Cavallaro on behalf of Debtor Elena Cassill attorneyforchrist@gmail.com,  
lesliebrown.paralegal@gmail.com  
Michael J. Cavallaro on behalf of Joint Debtor Jon S Cassill attorneyforchrist@gmail.com,  
lesliebrown.paralegal@gmail.com  
Rebecca Ann Solarz on behalf of Creditor Well Fargo Bank, N.A., as Indenture Trustee for MSCC  
HELOC Trust 2007-1 rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7